

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§	
	§	CASE NO. 21-10914-SMR
JEWEL SUNSET HOLDINGS, LLC	§	
	§	
	§	CHAPTER 11
DEBTOR.	§	(SUBCHAPTER V)

**MOTION TO ENTER DISMISSAL ORDER PER AGREED ORDER REGARDING
MOTION TO SHOW CAUSE [DKT. NO. 119]**

**AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED
HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN
OBJECTION AND REQUEST FOR HEARING IS FILED WITH THE
CLERK WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF THE
ISSUANCE OF THIS NOTICE. ANY SUCH OBJECTION MUST ALSO BE
SERVED UPON THE MOVING PARTY AND UPON ALL OTHER PERSONS
INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS
PLEADING.**

NOW COMES, MICHAEL G. COLVARD, SUBCHAPTER V TRUSTEE (“Sub V Trustee”) in the above-numbered and styled bankruptcy case, and files this Motion to Enter Dismissal Order per Agreed Order Regarding Motion to Show Cause [Dkt. No. 119] (herein the “Agreed Order”), and in support thereof would show:

I. JURISDICTION

1.1 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157. This is a core proceeding under 28 U.S.C. § 157 regarding the allowance and payment of claims under 11 U.S.C. § 502 and R. 3007 Fed. R. Bankr. P.

II. BACKGROUND

2.1 An Agreed Order regarding the Motion to Show Cause [Dkt. No. 110], was

entered on June 21, 2023, requiring Debtor to make certain payments and to file a modified plan and to confirm the modified plan by August 5, 2023.

2.2 The Agreed Order specifies that upon default Trustee may submit an Order of Dismissal.

2.3 Debtor is in default of the Agreed Order. A Notice of Default was filed on July 18, 2023 [Dkt. No. 128]. Debtor has failed to cure and has advised that Debtor prefers to dismiss the case.

2.4 A form of the proposed Dismissal Order is attached hereto as **Exhibit A**.

III. PRAYER

3.1 WHEREFORE premise considered, Trustee request that Court enter the Order of Dismissal attached hereto, and grant such other relief as may be appropriate.

MARTIN & DROUGHT, P.C.
Weston Centre
112 East Pecan Street, Suite 1616
San Antonio, Texas 78205
Telephone (210) 227-7591
Facsimile (210) 227-7924
E-Mail: mcolvard@mdtlaw.com

/s/Michael G. Colvard
By: _____
Michael G. Colvard
State Bar No. 04629200
SUBCHAPTER V TRUSTEE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Plan Default was served electronically by the Court's Electronic Case Filing system, and by first-class U.S. Mail on the parties listed on the attached Service List on August 18, 2023.

/s/Michael G. Colvard

MICHAEL G. COLVARD